

MINUTES

of the

COUNCIL OF THE COUNTY OF MAUI

July 7, 2015

THE REGULAR MEETING OF THE COUNCIL OF THE COUNTY OF MAUI, STATE OF HAWAII, WAS HELD IN THE COUNCIL CHAMBER, KALANA O MAUI BUILDING, WAILUKU, HAWAII, ON TUESDAY, JULY 7, 2015, BEGINNING AT 9:00 A.M., WITH CHAIR MICHAEL B. WHITE PRESIDING.

CHAIR WHITE: Good morning. This meeting of the County, County Council of Maui will come to order.

Mr. Clerk, will you please call the roll.

ROLL CALL

PRESENT: COUNCILMEMBERS GLADYS C. BAISA, ROBERT CARROLL, ELEANORA COCHRAN, DONALD G. COUCH JR., S. STACY CRIVELLO, G. RIKI HOKAMA, MICHAEL P. VICTORINO, VICE-CHAIR DONALD S. GUZMAN, AND CHAIR MICHAEL B. WHITE.

COUNTY CLERK DENNIS A. MATEO: Mr. Chair, there are nine Members present. A quorum is present to conduct the business of the Council.

CHAIR WHITE: Thank you, Mr. Clerk.

And, this morning for the opening remarks, we have Member Bob Carroll.

OPENING REMARKS

The opening remarks were offered by Councilmember Robert Carroll.

CHAIR WHITE: Thank you for those remarks, Mr. Carroll.

Will you all please rise and recite the Pledge of Allegiance with me.

PLEDGE OF ALLEGIANCE

The Members of the Council, and others in attendance, rose and recited the Pledge of Allegiance.

CHAIR WHITE: And, before we proceed, will you please all turn off your cellphones; put them on silent or vibrate. Thank you very much.

And, Mr. Clerk, let's proceed.

COUNTY CLERK: Mr. Chairman, no one has signed up to provide testimony on ceremonial resolutions. Proceeding with the ceremonial resolutions.

CEREMONIAL RESOLUTIONS

RESOLUTION
NO. 15-61

CONGRATULATING THE LAHAINALUNA HIGH
SCHOOL GIRLS WRESTLING TEAM

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: And, thank you very much, Chair.

I MOVE TO ADOPT THE RESOLUTION ENTITLED
"CONGRATULATING THE LAHAINALUNA HIGH SCHOOL
GIRLS WRESTLING TEAM".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion by Ms. Cochran and a second by Mr. Victorino.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, Chair may I request that the County Clerk read the reso in its entirety, please.

CHAIR WHITE: Yes.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, thank you very much. And, I am very, very honored and feel very privileged to be here today to present this resolution and asking for my fellow Members support.

But, as we always mention as in our, you know, our youth and our future generation, it takes everyone. Congratulations to their personal hard work, and dedication, and commitment, but also to their family. You know, it takes their time and effort to drive them to practice, to take them to the tournaments, and fundraise for these trips. So, this is such an honor.

And, I know a memory that, that will live on with them as they grow up and, and get out into the world. And, I think this builds a really strong base for all of them. And, again, very honored. The resolution states everything very concisely. And, and, really appreciated and supported, thank you for the support in allowing me to present this resolution. And, so I'd like my fellow Members support on this. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I too want to echo Councilmembers Cochran's comments. And, encourage the parents to help their kids continue on. It's a, I know it's hard for them as well.

In my very short wrestling career in high school, we didn't have girls wrestling, so I really appreciate that the sport has moved on and has done some really good work in the part of equality.

It's such a great honor to have kids, again, from Maui, showing that they're the best in the State. We say this every time we have people come up here. But, and it happens a lot now which is really nice. So, we really appreciate it and wish the best to all these young ladies in their future endeavors. Thank you.

CHAIR WHITE: Thank you.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. I would also like to thank Ms. Cochran for bringing this forward. Again, honoring for the first time ever on a neighbor island, State boys and girls. And, we'll talk about the boys a little bit later, let's go with the girls first.

The young ladies can be on, are honored today, but let me reflect back. This is all possible today because of Maui's own, the late House of Representative Patsy Mink and Title IX, for which I've been honored to be on the Gender Equity Committee for the past 15 years making sure that women have the same opportunity as the men when it comes to equipment, facilities, uniforms, across the board. And, today, this is a classic example of the results of Title IX. So, I'd like to take a moment and remember that Patsy Mink was a forerunner in this area. She stepped forward when it wasn't a popular issue, and made sure that women had that same opportunity as the young men that are here today.

And, to the parents, to all the supporters, to the Lahainaluna and West Side supporters of, of all of the athletics out there, bar-none, they're top notch. No matter what team, no matter where they go, they're there to support their kids. So, I want to congratulate the young ladies, thank the parents and supporters, and more importantly not forget that Title IX has made this all possible. And, I want to honor that memory of the Late Representative, House of Representative Patsy Mink. Ladies, never forget that name please. Mahalo, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members?

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. I also would like to echo my, the sentiments of my colleagues and congratulate the team, as well their parents and their coaches for an outstanding season and for accomplishing such a great feat.

Maui's not really known for their wrestlers, the wrestling program, and it seems as though that Lahainaluna is excelling in very, various diverse athletics. So, I must . . . or at least congratulate that, the West Side for producing such great athletes. It's a very special for an individual to accomplish such a great feat, and to become State champions. And, I think that's something that they'll always remember as an individual and as a team.

I was never a wrestler in high school or elementary, but I hear that we have two wrestlers on the Council: Mr. Couch wrestled at class weight 148, and Mr. Victorino at 145, believe it or not. So, let's get ready to rumble. Let's get a, get a, let's get a challenge going on here.

But, anyways, again, I'd like to congratulate the team and, and wish them well in the future. Thank you, Chair.

CHAIR WHITE: Thank you.

Ms. Baisa.

COUNCILMEMBER BAISA: Thank you very much, Chair. I'm, I can hardly wait. When do the tickets come out? How funny.

I want to add my congratulations to the young women too, and tell you how proud we are of you. You know, we sit in this chamber very often, honoring local kids from Maui. And, it seems like we have a lot of champions on this island, and it's outstanding. And, so thank you again very much to you and all the folks that are involved; your coaches, your parents, and everybody in getting this award.

I'm, I'm, I can't resist. I have to one up Mr. Victorino. You know, I really love him mentioning Patsy Mink because, you know, she was an incredible woman. And, this Title IX that she passed has had such an impact on all women to have the--

CHAIR WHITE: Nationwide.

COUNCILMEMBER BAISA: Nationwide.

CHAIR WHITE: Just to be clear.

COUNCILMEMBER BAISA: Not just here in Maui, but everywhere. And, you know, Patsy was a real go-getter, and we were so proud of her. And, I'm proud of her because she went to Maui High. And, I'm a Saber too. You know, when we were in high school Lahainaluna was our arch rival. But, having to admit today that you guys are the champs and you've done it over, and over, and over, so I'm real proud to be here today to congratulate you. And, Patsy was a Saber too, old Maui High, and still known very much for the impact she had when she was in student government. So, again, thank you very much. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Baisa.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. I'm especially proud of them. I'm from Hana, but my grandchildren went to Lahainaluna and both of them wrestled, my grandson and my granddaughter. And, I've always followed the wrestling. And, I think they'd be surprised to know how many people in Maui County are really watching them and how proud they are of them. And, I tell them thank you for all that you've done; that we're all, I'm sure looking forward to seeing Lahainaluna over here again. Thank you.

CHAIR WHITE: Thank you.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. I would also like to echo my colleagues to express, on behalf of our island Molokai, all of Maui County to say thank you to our youth, and our women, and our families, and coaches for, it takes hard work to have such an accomplishment. And, that alone is a testament to the program that Lahainaluna High School Girls Wrestling Team offers. So, congratulations.

CHAIR WHITE: Thank you.

Any other discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: We'll make it a unanimous lovefest, Chairman. From one LHS to another LHS, from Lanai we, of course, we send our congratulations to Lahainaluna.

During my era, Molokai and Lanai sent a lot of our students to Lahainaluna: 1) because still got boarding; 2) because Lahainaluna did provide for our youth, an alternative for some of our more challenging young people; a more disciplined environment, if I could say it that way. But, Lahainaluna has shown throughout the years that red and white does not die once you graduate; it is forever red and white.

So, I give the community a lot of congratulations for the nurturing of their young adults. You know, we call them kids but you know, to become champions you take on adult responsibilities. You learn about integrity, discipline, teamwork. You learn about what makes your community special when your parents, your friends, your neighbors turn out and support fundraising efforts to let you take on the challenges that you would like to meet and overcome.

So, to Lahainaluna, again, following great tradition from the days of David Malo, I just say continue your good work and follow the tradition that has made the red and white strong forever. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama. I'd just like to add, I really appreciate the leadership of the coaching staff and the hard work of the, of the students, the support of the parents. And, you know, this is just a wonderful thing for us to be able to sit here and over, and over, and over recognize Maui youth as being the best in the State. So, you're, you are to be congratulated for being the first neighbor island teams to, to take the State championship away from Oahu. And, having grown up on Oahu, I love sticking it to them.

So, I also, I also want to echo the sentiments offered by Mr. Victorino and Ms. Baisa regarding Title IX, because Patsy Mink's impact was nationwide; it wasn't just here in Hawaii. And, so, you ladies are able to enjoy what you're, you're doing now because of somebody from Hawaii. And, she has had that impact on every sporting team throughout the country or every sporting event throughout the country. So, it's with an extra special pride that we can congratulate you today because of somebody who was born and raised on Maui, grew up here.

So, I want to congratulate you for the achievement that you've made. And, thank you for being here this morning and allowing us to share in your glory. So, mahalo.

Ms. Cochran. Oh, I'm sorry.

COUNCILMEMBER COCHRAN: Thank you, Chair. No, just

CHAIR WHITE: I'll take the vote first--

COUNCILMEMBER COCHRAN: I guess you can call for the vote.

CHAIR WHITE: --then I'll pass it back to you.

All those in favor of the motion please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero, excuse me, zero "noes".

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, at this time, can I ask for the girls wrestling team and their coaches to come down to the podium to receive resolution.

CHAIR WHITE: Yes, if you would all please come down.

COUNCILMEMBER COCHRAN: Yeah, just come behind.

CHAIR WHITE: If you could all, if you could all gather behind Elle along the, the walkway there.

COUNCILMEMBER COCHRAN: Chair, thank you. Thank you for this opportunity once again. And, is it, Coach Ball, are you going to be receiving the resolution or, yea or who, whoever you want to designate. Oh, Coach Nakata.

And, let me . . . Coach Nakata, okay, you want to say a few words on behalf of the team? Okay, well then it's Coach Ball then. And, Chair, I want to just add in that we just accidentally left out Coach Neal Nakata's name in the resolution. So, I want to, he is recognized and represented, and we'll, sorry about that, revise the resolution to, to recognize your, your participation. Thank you, Coach Nakata.

But here's Coach Kim Ball.

COACH KIM BALL: Anyway, it was a very big honor to, for you, for Council to recognize our kids today. These girls worked extremely hard and they not only won the State title, but they won in a big way. They set a scoring record, State scoring record in beating the defending champs Kamehameha. And, out of that, we have five individual State champions, which I don't know if that's ever been done in girls wrestling. So, it was monumental. It wasn't a squeaky win, it was a dominating win.

And, it, as you know, it didn't start in high school. You know, most of these kids wrestled, start in club wrestling, and these guys have spent a lot of time, coaches, away from their families to mentor kids, some like Coach Neal for almost 30 years. So, anyway, we just really appreciate and thank you for, for the resolution.

COUNCILMEMBER COCHRAN: And, thank you, team. I got my own Lahainaluna wrestling shirt. So, hey, I'm on the team now. Thank you, Chair for this opportunity.

COUNCILMEMBER VICTORINO: All right.

CHAIR WHITE: Thank you, Ms. Cochran, and, thank you all. Congratulations again.

COUNCILMEMBER VICTORINO: The boys turn now.

CHAIR WHITE: Mr. Clerk, please proceed.

COUNTY CLERK: For the record, RESOLUTION 15-61.

RESOLUTION
NO. 15-62

CONGRATULATING THE LAHAINALUNA HIGH
SCHOOL BOYS WRESTLING TEAM

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT RESOLUTION ENTITLED
"CONGRATULATING THE LAHAINALUNA HIGH SCHOOL
BOYS WRESTLING TEAM".

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Victorino.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, if I may, can I ask the County Clerk to read the resolution in its entirety, please.

CHAIR WHITE: Certainly.

Mr. Clerk.

(The resolution was read in its entirety.)

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, I, a lot of wonderful, eloquent words have been expressed for the, for the girls team, but it, same goes for the boys too and, again, you know, the coaches and just the entire town. And I like how Mr. Hokama stated the spirit of Lahainaluna, it really does live on through generations and the whole boarding program and what that instilled in our adults today and leaders in the society.

So, I think this is, again, what a wonderful base for our young adults to have in their, you know, in their background to become wonderful people like ourselves, here to, you know, to be leaders of their community when they get older and productive members of our society.

So, again, a lot of congratulations to everyone for their hard work and the work ethic, and you know, just the philosophy of you work hard, you reap rewards, and this is one of them. And, I think there is more to come in their future. So, again, thank you for this opportunity and looking forward for my fellow Members support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, you know, echoing the same words that we said before, so I won't repeat them. I just would like to read one of the "Whereas's" that these kids, both boys and the girls should take to heart, cause it's, it's really true. It says, "Whereas, the exceptional performance and dedication of the Lahainaluna High School Boys and Girls Wrestling Team have brought pride and honor to the people of the County of Maui"; very much so. And, so thank you.

And, I also, as Mr. Hokama, I come from Lakewood High School, so it's LHS. And, our colors were red and white. So, this is my adopted high school team, so.

CHAIR WHITE: But, and I, I appreciate your comments and I, I have to let everybody know that you went undefeated, so.

COUNCILMEMBER COCHRAN: --Yeah one match.

COUNCILMEMBER VICTORINO: Chair, Chair.

CHAIR WHITE: Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you, Chair. Again, all of the comments that we made for the girls, we'll also do for the gentlemen. Good job, guys. Just amazing that, the part that makes my heart really sing is reading in this "Whereas's" that "Robert Campos pinned a Punahou all-American". That is exciting for me, Maui, a high school from Maui, from Lahaina. Good job guys. We're really, really proud of all of you. And, again, thanks to your parents and coaches. All the best.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. And, you know, again, same, same thing. All, all of the accolades for the girls move over to the boys as well. But, I think one very important issue that has kind of been over, like overlooked is today in Maui County, we have a lot of club and youth programs for which there was no existence of that back in, in the day when I wrestled.

In fact, the only wrestling I knew was Curtis Iaukea and gentle, Gentleman Lord James Blears, remember those guys and jumping off the tightropes. So, when I turned out for wrestling I thought that's what I was turning out for. Boy, was I got a rude surprise when I showed up.

But, but I learned the discipline like Mr. Hokama has talked about and all the others. But, the one thing I loved about wrestling was mano a mano, me and you, me and you. And, I was the only one on the court, on the wrestling mat was just one on one, and that was so fun. And, I think that's what you enjoy a lot, yea guys, that one on one, me and you; not ten other guys like football, and you know, depending on somebody blocking, but you know, the one on one.

And, I think that's something that they can be very proud of, that one on one, they took down that world champion from Punahou. Talk about the "Buff 'n Blue". Yea, we got our own "Buff 'n Blue" but they, they wear red and white. And, I think they, they are a shining example and all the others that have gone on before them. So, good luck. Continue the good work. Those going off to college, boys and girls, I wish you nothing but continued success. And, like I said earlier, study hard but don't party hard. Thank you. Good luck.

CHAIR WHITE: I'll just point out that Curtis Laukea was my high school classmate.

COUNCILMEMBER VICTORINO: I noticed that. But, never mind, never mind.

CHAIR WHITE: That's my only connection to wrestling.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. We are also so proud of our boys over here. Me and my wife, when we can, we go and we watch because we got the habit when my grandson was wrestling for Lahainaluna. And, I've always admired the dedication that they have, the training, and what they go through to achieve the excellence that they have. And, I just have to say that I don't know how I can add the words of our, that have already been spoken, but we are just so very proud of them. Thank you.

CHAIR WHITE: Thank you. Members, any further comments?

COUNCILMEMBER CRIVELLO: I guess I'll add.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you. On behalf of all of us here, as well as all of the County of Maui, including Molokai and Lanai, I'd like to personally say thank you. Thank you for your hard work. Thank you for planting the seeds for other high

schools and other schools throughout our neighbor islands that we, we can meet up to the challenge of our city counterparts. So, mahalo and many blessings for all of your future paths. Thank you.

CHAIR WHITE: Any further comments? Seeing none, I'd just like to offer my congratulations for you boys from Lahainaluna wrestling the State championship away from Oahu. And, we really appreciate your being able to come down here this morning and share your time with us. So, mahalo, mahalo, mahalo for all you've done; especially the coaches because it's your leadership that's gotten these kids to where they are now. And, with the parents' support and the kids' hard work, it all comes together in a way that provides incredible results. So, congratulations to you all.

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: And, before we call for the vote, I just wanted to add that we will be adding Coach Neal Nakata's name to the fifth "Whereas" and at the end where the copies, certified copies are sent to. And, again, apologize for the oversight on Coach Nakata's name.

And, also before we close, it'd be, I would be remiss if I didn't mention that my good friend Tama Kaleleiki made all these leis for everyone. So, thank you to Tama for his hard work in twisting all these leis. And, I made a couple and was already crampy fingers already. So, thank you, Chair.

CHAIR WHITE: And, Members, just to be official about it, without objection, we'll add Coach Nakata's name to both resolutions.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Any further comments? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes". Thank you very much.

COUNCILMEMBER COCHRAN: And, Chair. And--

CHAIR WHITE: And, Ms. Cochran.

COUNCILMEMBER COCHRAN: May I ask for the coaches to come down, and the boys wrestling team to come down for their congratulations?

CHAIR WHITE: Yes.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you very much, Chair. And, I have, is it Zane Monteleone will be accepting the resolution on behalf of the coaches and the boys wrestling team. And, again, congratulations coaches for your great work with, with our young adults. And, there you go. Thank you. And, he'll also say a few words.

COACH ZANE MONTELEONE: Thank you for recognizing us, Councilmembers. All of our kids are stemmed from our youth program and we, I just want to thank you guys for all the support that you guys give to us throughout the years. Being a high school program that is extremely successful comes from our youth programs. And, without our youth programs, all these kids, we've had on our, our shoulders for over 10 years, you know, if not for the 10 years. And, watching these kids grow through, really makes us proud of what we do. And spend our time up there and that sacrifice isn't a sacrifice watching our community better itself. So, thank you for all your support that you gives us through, through and in the future.

CHAIR WHITE: Thank you very much, Coach.

COUNCILMEMBER COCHRAN: And, Chair, thank you very much for this opportunity.

CHAIR WHITE: Thank you, Ms. Cochran. And, congratulations again, guys.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NO. 15-62.

Mr. Chair, proceeding with presentation of testimony on agenda items. We have established limited telephone interactive communication that enables individuals from Hana, Lanai, and Molokai to provide testimony from the District Offices.

Individuals who wish to offer testimony from Hana, Lanai, and Molokai, should now sign up with the District Office staff. Individuals who wish to offer testimony in the chamber, please sign up at the desk located on the eighth floor lobby just outside the chamber door. Testimony at all locations is limited to the items listed on today's agenda.

And, pursuant to the Rules of the Council, each testifier is allowed to testify for up to three minutes with one minute to conclude if requested. When testifying, please state your name and the name of any organization you represent.

Hana Office, please identify yourself and introduce your first testifier.

MS. DAWN LONO: Good morning. This is Dawn Lono at the Hana Office and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Lanai Office, please identify yourself and introduce your first testifier.

MS. DENISE FERNANDEZ: Good morning, Chair. This is Denise Fernandez on Lanai and there is no one waiting to testify.

COUNTY CLERK: Thank you.

Molokai Office, please identify yourself and introduce your first testifier. Molokai Office.

MS. ELLA ALCON: Good morning, Chair. This is Ella Alcon on Molokai and there is no one here waiting to testify.

COUNTY CLERK: Thank you.

Mr. Chair, we have two individuals who have signed up to testify in the chamber. And, the first person to testify in the chamber is Rosemary Robbins, testifying on Committee Report 15-69 and CC, County Communication 15-189.

PRESENTATION OF WRITTEN OR ORAL TESTIMONY

MS. ROSEMARY ROBBINS (testifying on Committee Report No. 15-69 and County Communication No. 15-189):

Puakeniken, how nice. Good morning, everybody.

CHAIR WHITE: Good morning.

MS. ROBBINS: Never was involved in wrestling, but have great joy in remembering Patsy Mink. As an aquatic specialist and having prepared a number of our youth, male and female, to become lifeguards, lifeguarding instructors, lifeguarding instructor trainers. It's been such a joy for me to watch the women be able to go on to higher education as were the young men, and be able to have some of their financial aid come by way of being lifeguards at their institutions of higher learning; how nice.

Okay, so this morning, in terms of item 15-69, that's going to be on your item page 4. And, this has to do with adoption of the resolution, resolution approving water source development agreement grant. And, I want this morning to deal with the actual documents themselves; not with lawyers or anybody else's interpretations of them, but the actual documents.

So, this first one is the agreement itself concerning the development and dedication of Wailuku Well 2, Tank and Transmission Pipeline. It's a 12-page document. On page one, it identifies the Department of Water for the County of Hawaii, of Maui, saying "The Department has insufficient source capacity available in the central-south Maui area to provide water to the Kehalani Parcels and additional water source must be developed." Why does that sound familiar to those of us who have been waiting for years Upcountry?

It also says, on page 1, that the Department's water resource management, several State allocation is being pumped from the Iao groundwater aquifer at an average rate of 5,015,000 gallons per day. What is that doing to the aquifer?

Okay, then over on page 2, the Department says that it has unique circumstances, and the daily pumping will be 5,491,000 gallons of water from the Iao ground aquifer. What does that do to the aquifer?

Then it talks over here on page 3 that the Council meetings agenda has all sorts of recognition of non-compliance by the Department, tough shape for us. So, we need to make sure that we don't ignore the actual documents, read them. This one, like I say, has 12 pages, not too tough to read, tough to hear.

Okay, and then the second one for today is from the additional, we've heard this a lot on call for money to be able to have additional attorneys defend the County of Maui for its behavior and absence; sense of the omission that some people would call that, I guess.

But, when we're talking about that, we're talking about the fact that we have a document coming from the court itself in Honolulu. This is a Federal court and it has identified three different times that Maui was wrong by having not taken care of its wastewater situation and having that further pollute the grounds around the injection wells up in the Lahaina side and into the nearshore waters; yikes.

So, when we take a look at that, and please do so, I have that here in hand, again this is from the Federal court. Reading from page 1, that the Federal court has denied the County's request to not have to deal with this.

Talks over on page 10, injection well qualifies as a point source. It makes no sense to say, as a matter of law that the County lacked fair notice. County had plenty of notice, including from the EPA. This is a Federal court we're dealing with now.

And, on page 11 of this document, it says that this is a citizen's lawsuit expressly countenanced by the Clean Water Act 1972, that allows private parties to protect Hawaii's waters, and I'm reading this now, by suing over the clean water violations in the absence of protective action by public officials.

While I was in one of the wait outside the door sessions yesterday, there was another concerned citizen there who said, oh it's time to move your car because they're all in separate session. So, the concerned citizens have been left out on this unless they read it. So, I'm glad to have been able to present that this morning. I'm asking you to please not keep paying this cash cow of more than two million dollars in order to defend an indefensible situation. Thank you.

And, can I just add those of you who are heading over to the Carolina's. Between your meetings, if you need to swim, please enjoy the pools. Thank you.

CHAIR WHITE: Thank you. Members, any need for clarification of the testimony? Seeing none, thank you very much for being here this morning, Ms. Robbins.

MS. ROBBINS: You're welcome. Be safe.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: The next testifier is Lucienne deNaie, testifying on Committee Report 15-63, 15-69, 15-70, County Communication No. 15-189, and County Communication No. 15-196.

MS. LUCIENNE DENAIE (testifying on Committee Report Nos. 15-63 and 15-69, and County Communication Nos. 15-189 and 15-196):

Good morning.

CHAIR WHITE: Good morning.

MS DENAIE: Chair White and Members of the Council. My name is Lucienne deNaie. Since no one else came, I just had to write down all those numbers. Actually, you have a very, very interesting agenda today and there are things that, to remark on.

So, I'll start with 15-63. This has to do with amending the workforce housing policy as it deals with foreclosures. So, these would be homes that were created under the Workforce Housing Law that have some limitations on how long that they need to remain affordable. I believe the, the basic limitation now is down to 10 years. It was 25 before the bill was amended recently. And, now if these properties are foreclosed, the banks would be extremely inconvenienced if there was any affordability clause attached to them. So, we need to kind of get rid of that.

I would just want to point out to you folks that a group of citizens had to sue our banks here because they were boosting their own profits and limiting opportunities for affordable housing for people. And, fortunately these citizens were somewhat successful. They started shaking some money loose to allow some people who otherwise would have fallen off the map and not qualified for the dream of homeownership here.

I would just urge, I know this is a process and, you know, you just need to do your votes and get on. But, I would really urge that the County have some tough negotiators that sit down with our banks. And, if they can't find banks that really want to support the ordinary people's ability to be able to afford a house and to keep those houses affordable so the next guy can afford them too, then we should find some other banks or we should work with banks who are willing. We need to break this

impasse because banks are a big part of the problem here. So, that's all I have to say about this.

I'm not saying how you should vote or not vote, but this is not heading us in the right direction to really solve one of the parts of what we need to do to have housing that is affordable. And, if you don't believe me, I can quote from Mayor Cravalho who said the same thing in 1979.

On to the next item please. This is item 15-69. And, this is the one that Ms. Robbins just referred to, the water source agreement on the Wailuku 2 Well that's being proposed by the Kehalani Partnership. I did send in written comments this morning just in case anybody wants to keep them for the record.

But, I will say right at the beginning, I do have some expertise in water matters. I have been qualified as an expert witness on water issues at the State Land Use Commission and I have been called in at various, you know, hearings and things like that to answer questions about water because I researched Maui's water resources in 2002 to 2004, and issued a report on them that is still used by folks.

I also want to say that this contract, while it appears to be very thorough and to give this, the County a no-cost alternative, a really is not no-cost. The County is issuing meters and the meters will defray some of the costs of putting in these wells. So, the people who are putting in the wells, are taking a risk that there may or may not be water. But, they are getting a fairly good deal.

I think the first thing that needs to be considered is the original assumption. If the Department really has insufficient source, the Department does have 1.5 million gallons of water that can be treated, additional water at the Iao Treatment Plant, once it is expanded. This water, I believe, would probably come online, maybe before these wells. So, to conclude that there is no other source for this project may or, may not be false, I would really question that.

Then there is the idea that there's a lot of ifs involved here, there's a lot of ifs about whether the site would produce good water or enough water. Or whether the allocation that the Water Commission has given Kehalani Partners from the Iao Aquifer is still going to be honored and is going to be transferrable to the County. If the well can be built in three years. If the well can get all the approvals from Department of Health. And, if the Department of Water Supply likes what they see there. And, I'm saying these are ifs because the County sort of had a similar agreement with Maui Land & Pine. That well never got used. It, it wasn't a good well. It didn't have the source it, it anticipated and so forth and so on. So, this does happen.

And, then there's the what if's. If, if it takes too long to build, the County still needs to issue about 175,000 gallons worth of meters to Kehalani. So does this mean that it goes to affordable homes or just whoever, they just jump to the front of the line? Also, the well is a higher elevation than the County wells. What if it impairs the capacity of the County wells? There's no mention of that in the contract.

And, lastly, the big one is there can be source, oh, I'm sorry. Is this my last minute?

CHAIR WHITE: You can, you're just about to the end of your testimony on that item.

MS. DENAIE: Thank you, I am. The, the idea that the source credits can be transferred, to me, creates kind of a, a two-tier system here. There's the, the people who have to wait in line for meters and then there's the people like Kehalani who can sort of do what they want with water and sell it at any cost. And, this happened with the Dowling Well, the Kulamalu Well. No one could get a water meter Upcountry, but my friend was willing to pay \$30,000 when water meters cost four or five, and he got part of Dowling's source credit. So, is this what the Council really wants to do, is to sort of set up private companies as the purveyor of water? And, where will this water go? It will probably go to the highest bidder.

So, my suggestion would be that we really need to look at that part of the contract and see if it can be deleted. And, I personally would ask the Water Commission if they would also see that as really pono and really keeping with protection of our public trust resources.

The last thing I will say is the County had an agreement like this before, it was called the Central Maui Joint Venture. And, no one kept accounting of all the credits. Now, maybe we have better accounting methods now in the years of computer, but there were, this resulted in lawsuits and a lot of misunderstandings. So, making it complicated and making multiple people that can get credits is never a good idea. Thank you for your time.

Onto the next item, and I will be brief. This is 15-189, authorizing the funding for the Hawaii Wildlife Fund versus, et al, versus County of Maui on the Lahaina Wastewater Treatment Plant lawsuit. I agree with Ms. Robbins. You're kind of throwing good money after bad, but I am, I am encouraged to see that there is also an item that might authorize a settlement in this suit. This would make the most sense.

The County has a lot of goals that they would like to meet in terms of reusing wastewater. And, settlement would allow the County to meet these goals, keep the

EPA happen, happy, and just let us all move on. So, I urge you to consider how that settlement might move forward.

And, my last item, this is number 15-196, Councilmember Carroll has proposed that we amend Chapter 19 to allow a ohana unit to be built on a somewhat smaller lot than the 7,500 square foot. I have to say that when we were in GPAC, that we discussed this as kind of a on the ground solution for families. They're looking to have a place where their kids could live, where tutu could live and so forth and so on. And, especially in our, a lot of our rural areas, some of the lots do not meet the standard sizes. I, I know this is true in Haiku.

I'm not sure if 5,000 square foot is, is exactly the right size, maybe it's more like 6,000. But, I think that's something that really should be discussed by the Planning Commission. And, I'm very happy to see that this is under discussion because we do need to have some provision for individuals to deal with their families own needs, and not be hamstrung.

And, I love the idea that there would be an agreement with the Department of Health and Human Services to keep this honest. So, it's not like oh, I just told you I'm a, I tell you I have a farm because I, I planted ten Lilikoi plants and I have a horse grazing there. And, do I really have a farm? Well probably not. Well, do I really have an affordable rental? Yea, if I have an agreement, I, I do have an affordable rental. And, I noticed that the Big Island actually has a provision for, kind of a tax break, for those who have affordable rentals on their property.

So, I think it's a good direction. We, we obviously, I know Ms. Crivello agrees with, there's many different ways to arrive at affordable housing and this is probably one of the, the tools and the quiver. So, thank you for your time.

You know, I didn't sign up for this, but I also want to really commend the appointment of Tim Bailey to the Cultural Resources Commission. His mom, Gordean, is just an icon in our community. And, he's done such wonderful service at the National Park. And, he's a really, really good fit for this, this committee. Thank you very much.

CHAIR WHITE: Thank you, Ms. deNaie. Members, are there any, is there any need for clarification of any of the testimony. Seeing none, thank you for coming this morning and sharing your thoughts.

MS. DENAIE: Thank you.

CHAIR WHITE: Mr. Clerk.

COUNTY CLERK: Mr. Chair, Ms. deNaie was the last individual who signed up to provide testimony this morning. And, if there is any individual in the chamber or the District Offices that would like to offer testimony, please identify yourself to the appropriate staff and proceed to the testimony lectern or District Office phone at this time.

Hana Office, are there any additional testifiers?

MS. LONO: There's no one waiting to testify in the Hana Office.

COUNTY CLERK: Thank you.

Lanai Office, are there any additional testifiers?

MS. FERNANDEZ: There is no one waiting to testify on Lanai.

COUNTY CLERK: Molokai Office, any additional testifiers?

MS. ALCON: There is no one here on Molokai waiting to testify.

COUNTY CLERK: Mr. Chair, there are no additional individuals in the District Offices nor the chamber who wish to offer testimony.

CHAIR WHITE: Thank you, Mr. Clerk.

I believe we've received written testimony. Without objections, Members, we'll enter the written testimony into the record.

MEMBERS VOICED NO OBJECTION.

THERE BEING NO OBJECTION, WRITTEN TESTIMONY
RECEIVED FROM LUCIENNE DENAIE WAS MADE A PART
OF THE RECORD OF THIS MEETING.

CHAIR WHITE: So, ordered. And, with that, without objections, we will close public testimony.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. Public testimony is closed.

Mr. Clerk, please proceed.

COUNTY CLERK: Mr. Chair, proceeding with minutes.

MINUTES

The minutes of the Council of the County of Maui's regular meeting of May 5, 2015, public hearing of May 15, 2015 (Fuel Tax), and public hearing of May 15, 2015 (Vehicle Weight Tax), were presented at this time.

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

MOVE TO APPROVE REGULAR MEETING OF MAY 5, 2015;
PUBLIC HEARING OF MAY 15, 2015, FUEL TAX; AS WELL
AS PUBLIC HEARING OF MAY 15, 2015, VEHICLE WEIGHT
TAX.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion by Mr. Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: No further discussion.

CHAIR WHITE: Thank you.

Any discussion, Members, on the minutes? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with committee reports.

COMMITTEE REPORTS

COMMITTEE REPORT

NO. 15-61 - BUDGET AND FINANCE COMMITTEE:

Recommending the following:

1. That Resolution 15-63, entitled "APPROVING COST ITEMS FOR UNIT 2, SUPERVISORY BLUE COLLAR EMPLOYEES", be ADOPTED;
2. That Resolution 15-64, entitled "APPROVING COST ITEMS FOR UNIT 3, NON-SUPERVISORY WHITE COLLAR EMPLOYEES, AND UNIT 4, SUPERVISORY WHITE COLLAR EMPLOYEES", be ADOPTED;
3. That Resolution 15-65, entitled "APPROVING COST ITEMS FOR NON-SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 3, AND SUPERVISORY WHITE COLLAR EMPLOYEES EXCLUDED FROM BARGAINING UNIT 4", be ADOPTED;
4. That County Communication 15-141, from the Mayor, be FILED;
5. That County Communication 15-142, from the Mayor be FILED; and
6. That County Communication 15-143, from the Mayor, be FILED.

CHAIR WHITE: Mr. Hokama.

COUNCILMEMBER HOKAMA:

CHAIRMAN, I MOVE THAT COMMITTEE REPORT 15-61,
AND ITS RECOMMENDATIONS, BE ADOPTED.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Hokama and a second from Mr. Victorino.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I would just say that it's been a challenge for your Committee to deal with collective bargaining agreements. By committee report, we clearly state our frustrations regarding the current process, the amount of votes that the State controls during ratification or, or approval of contract for ratification by the appropriate collective bargaining units.

I will say that your Committee is awaiting an appropriate budget amendment to ensure that the County employees can be duly paid what we have ratified through this process.

I will say that in discussions at our State conference held on Maui a few weeks ago, Mr. Chairman, that I think the State leaders that were there understand some of the frustrations we have as a legislative branch that needs to finance the contracts. And that we would hope that some of our comments in the future would help guide the direction of collective bargaining, particularly regarding affordability of the contracts, and the ability to pay our employees what is fair, what is right, but also in return to get back fair days' work for wages paid.

I still think we have areas that we need to work on, including comp time and others. But, that's for another session, Mr. Chairman. So, at this time, I would ask the Members to approve the motion regarding Committee Report 15-61. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, RESOLUTION NOS. 15-63, 15-64, 15-65, respectively.

COMMITTEE REPORT

NO. 15-62 - ECONOMIC DEVELOPMENT, ENERGY, AGRICULTURE, AND RECREATION COMMITTEE:

Recommending the following:

1. That Resolution 15-66, entitled "AUTHORIZING A GRANT OF A LEASE OF COUNTY RECREATIONAL SPACE TO LAE'ULA O KAI", be ADOPTED; and
2. That County Communication 15-92, from the Director of Parks and Recreation, be FILED.

CHAIR WHITE: Mr. Guzman.

COUNCILMEMBER GUZMAN: Thank you, Chair.

I WOULD LIKE TO MOVE TO ADOPT THE
RECOMMENDATIONS UNDER THE ECONOMIC
DEVELOPMENT, ENERGY, AGRICULTURE, AND
RECREATION COMMITTEE REPORT 15-62.

COUNCILMEMBER COCHRAN:

CHAIR, I SECOND THE MOTION.

CHAIR WHITE: Thank you. We have a motion by Mr. Guzman and a second by Ms. Cochran.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. On June 16, your Committee met to consider a proposed resolution to authorize a grant of a 14-year lease, for \$100 a year, of the County recreational space at Kanaha Beach Park, identified as a portion of TMK: (2) 3-8-001:119 in Kahului, Maui, Hawaii, consisting of approximately 6,470 square feet to Lae`ula O Kai.

Your Committee learned that Lae`ula O Kai is a non-profit organization founded at Kanaha Beach Park in Kahului, Maui, through an Adopt-A-Park program in 1991 as a multigenerational canoe club.

Your Committee was informed the Club coaches participants of all ages in paddling; support community events, such as canoe making from Polynesia to Hawaiian traditional fish hook, and rope making; and provides opportunities for members to participate in related events. The Coach further advised your Committee the Club shares its canoes and paddles with other organizations, plants trees, cares for the dunes, and performs volunteer cleanup work.

The Director of Parks and Recreation informed your Committee that the Department will fully support the Club and would support a longer lease term for the Club in the future.

As the Deputy Corporation Counsel stated during the, the meeting, the lease terms would be required to be approved by the State Department of Land and Natural Resources as the property is owned by the State and managed by the County under Executive Order No. 2358. Deputy Corporation Counsel recommended approving the lease, then seeking to extend the lease term at a later time.

Your Committee recommended that the resolution be adopted and the county communication be filed. I ask for the Council's full support of your Committee's recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Guzman.

Members, any discussion?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, thank you, Mr. Guzman for bringing this up. And, congratulations to the Lae`ula O Kai Canoe Club. I would like to encourage them to look, seek an increase in the amount, or the amount of years of the lease. We discussed that at the Committee and it's noted in the report that they have to go through some hoops with the Department of Land and Natural Resources. But, I encourage them to get that up to a more manageable number so we don't have

to have, keep coming before us again. So, and, congratulations to them for getting the lease. Thank you.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 15-66.

COMMITTEE REPORT

NO. 15-63 - HOUSING, HUMAN SERVICES, AND TRANSPORTATION
COMMITTEE:

Recommending the following:

1. That Bill 47 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDITS AND FORECLOSURES", be PASSED ON FIRST READING and be ORDERED TO PRINT;
2. That Bill 48 (2015), entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY AND CHAPTER 201H, HAWAII REVISED STATUTES, PROJECTS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
3. That County Communication 15-93, from the Director of Housing and Human Concerns, be FILED.

CHAIR WHITE: Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-63.

COUNCILMEMBER BAISA

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Ms. Crivello and a second from Ms. Baisa.

Ms. Crivello.

COUNCILMEMBER CRIVELLO: Thank you, Chair. Your Housing, Human Services, and Transportation Committee met on June 18, 2015, to discuss two proposed bills from the Director of Housing and Human Concerns, that clarify the revisions as set forth in Ordinance 4177 (2014).

First bill, "A PROPOSED BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING POLICY CREDITS AND FORECLOSURES", amends the Residential Workforce Housing Policy specific to Sections 2.96.050 and 2.96.060, Maui County Code.

Proposed revision to Section 2.96.050 clarifies that no more than 75 percent of the total number of residential workforce housing units constructed within a development shall be eligible for credits, including projects that are 100 percent affordable.

The proposed revision to Section 2.96.060 clarifies that deed restrictions shall not apply in situations of foreclosure. Proposed revision addresses concerns of mortgage lenders who are not in favor of permanent deed restrictions, which may negatively affect a purchaser's ability to obtain a home mortgage for the deed-restricted property.

The proposed provision would not affect deed restrictions in place while the owner is the occupant of a housing unit. Once the unit enters foreclosure, however, the County-placed deed restrictions shall be lifted, and the financial institution may take the foreclosed unit out of the County's affordable category and sell it at market price.

The second bill, "A BILL FOR AN ORDINANCE AMENDING CHAPTER 2.96, MAUI COUNTY CODE, RELATING TO THE RESIDENTIAL WORKFORCE HOUSING

POLICY AND CHAPTER 201H, HAWAII REVISED STATUTES, PROJECTS", clarifies the provisions in the policy specific to Section 2.96.030, Maui County Code.

Prior to Ordinance 4177, 201H projects were exempt from the Policy. The proposed revision clarifies that in the event of a conflict between Chapter 201H, HRS and the Residential Workforce Housing Policy, the provisions in Chapter 201H, HRS supersedes the Policy. For example, 201H requires a 15-year owner occupancy; the Policy requires up to 10 years.

Your Committee recommended the passage of the proposed bills. And, I ask for your support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Crivello. Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I, I speak in support of the motion with reservations. You know, we had testimony this morning that I would agree with regarding the state of banking institutions in Hawaii. For one, they requesting this County to take action on modifying its Housing Policy because of potential negative effects on a purchaser's ability, and their words "may negatively affect" which means, they're not sure. They haven't proven it to the County that it does negatively affect the purchaser's ability. I would think there's ways if you're a smart accountant, smart banker, to make it work for you cause why wouldn't you want that mortgage with your bank, even if it's an affordable unit?

I would say the County's should get together. You know, if the banks want to play that way, that's fine. I think every County has millions in short-term accounts in State banks, just on our day to day banking checking accounts. We should look at banks that support the County's policies and invest our short-term assets, our checking accounts, in those type of banks that willing to do business with its people and this County. And, we should convince our sister counties to do the same.

I think Hawaii's banks would pay attention if millions of County funds are yanked and put into other institutions that have a little more sensitivity about their community's makeup and what makes this community work.

Affordable housing, I've heard this since the 60's. Once we were told it wasn't about enough zoning, but we've zoned thousands of acres, so we have an affordable. Then, they were talking about global impacts this and that. We understand that, Chairman. But, the end of the day, does a financial institution really want to provide affordability? No, they want the market houses. They want the luxury houses.

That's where they make their big bucks; not affordables. What does our people need? Affordables.

I think we can do fiscal policy. I think the Administration immediately can make an impact by deciding to withdraw our funds and put it in banks that are more willing to work with this County to take care our people. And, that is what I would say. And, if we need to, I for one have no problem asking the State Legislature to change the law as it regards to this component with Hawaii banking institutions, Chairman. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Any other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, BILL NOS. 47 (2015) and 48 (2015), respectively.

COMMITTEE REPORT

NO. 15-64 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-67, entitled "AUTHORIZING THE GRANTING OF NON-EXCLUSIVE EASEMENTS FOR PRIVATE WATERLINE PURPOSES TO HALEAKALA RANCH COMPANY, KAONOULU RANCH LLLP, AND MAUI LAND & PINEAPPLE COMPANY, INC.", be ADOPTED; and
2. That County Communication 14-293, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-64.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. Your Committee met on June 15, 2015, and to consider proposed reso granting Haleakala Ranch, Kaonoulu Ranch, and Maui Land & Pineapple Company, non-exclusive easements for private waterlines that actually cross Piihola Road, Olinda Road, and Hanamu Road.

Granting of these easements will provide the appropriate authorization for the grantees existing waterlines to continue crossing the County's roadways.

Your Committee recommend adoption of this proposed resolution and filing of the county communication. I therefore respectfully ask for the Council's support. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 15-67.

COMMITTEE REPORT

NO. 15-65 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT COMMITTEE:

Recommending the following:

1. That Resolution 15-68, entitled "AUTHORIZING THE GRANTING OF A NON-EXCLUSIVE EASEMENT FOR UNDERGROUND PRIVATE WATERLINE PURPOSES TO MAUI LAND & PINEAPPLE COMPANY, INC.", be ADOPTED; and
2. That County Communication 15-16, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you again, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-65.

COUNCILMEMBER HOKAMA:

SECOND.

COUNCILMEMBER VICTORINO: Mr. Chair, I second the motion.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. Your Committee met, again, June 15, 2015, to consider this proposed resolution granting Maui Land & Pineapple Company two non-exclusive easements for private waterline that crosses Makawao Avenue and Makani Road.

And the granting of these easements will provide appropriate authorization for the Grantee's existing waterlines to continue to cross the County roadways.

And, I respectfully ask for County's support on this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you, Ms. Cochran.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-68.

COMMITTEE REPORT

NO. 15-66 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-69, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS FOR THE PEAHI HUI LAND SUBDIVISION", be ADOPTED; and
2. That County Communication 14-307, from the Director of Public Works, be FILED.

(Councilmember Guzman was excused from the meeting at 10:19 a.m.)

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. We've been very busy for you.

I RECOMMEND ADOPTION OF RECOMMENDATIONS IN
COMMITTEE REPORT 15-66.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion by Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: And, Chair, our Committee met on June 15, again, 2015, and this is to consider this proposed resolution, accepting roadway lots containing Hookili Road, Leleaka Place, and a road-widening lot affecting Kekoanui Place in Haiku, Maui. Peahi Hui LLC is proposing to dedicate the roadway lots to fulfill the requirement of its Peahi Hui Land Subdivision.

And, I therefore ask for this Council's support of these recommendations. Thank you, Chair.

(Councilmember Guzman returned to the meeting at 10:20 a.m.)

CHAIR WHITE: Thank you.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-69.

COMMITTEE REPORT

NO. 15-67 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-70, entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT FOR THE DOLE ADMINISTRATION BUILDING PROJECT", be ADOPTED; and
2. That County Communication 14-277, from the Director of Environmental Management, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Good guess. Thank you, Chair.

I MOVE TO, TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-67.

COUNCILMEMBER HOKAMA.

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you. And, again, we met June 15, 2015, to consider proposed resolution accepting from Lanai Resorts, LLC, a sewerline easement containing an existing County sewerline and sewer manhole.

And, the acceptance of the easement will provide the appropriate authorization for the County to access private property for the purpose of maintaining the County sewer system.

And, your County *[sic]* recommended adoption of this proposed resolution, filing of county communication, and also I ask for my fellow Members support once again. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion on this item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: RESOLUTION NO. 15-70.

COMMITTEE REPORT

NO. 15-68 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-71, entitled "ACCEPTING DEDICATION OF ROADWAY LOTS IN THE MAUI LANI SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE", be ADOPTED; and
2. That County Communication 15-147, from the Director of Public Works, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-68.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran, once again, and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, we went through a lot of work on June 15, 2015. And, this one is to consider this proposed resolution accepting seven roadway lots containing portions of Kamehameha Avenue and Maui Lani Parkway. The Maui Lani Community Association is proposing to dedicate the roadway lots to fulfill the requirement of the Maui Lani (Large-Lot) Subdivision No. 5, the Akahi at Maui Lani Subdivision, the Maui Lani Parkway, and Roadway Lot Subdivision IV.

The Deputy Director of Public Works supports, supports the resolution and noted acceptance of the roadway lots will enable the Department of Public Works to proceed with improvements to the intersection of Kamehameha Avenue, Maui Lani Parkway, and funded in the County's Fiscal Year 2016 Budget.

Your Committee recommended adoption of this reso and filing of county communication. And, please, Council, support this recommendation. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NO. 15-71.

COMMITTEE REPORT

NO. 15-69 - INFRASTRUCTURE AND ENVIRONMENTAL MANAGEMENT
COMMITTEE:

Recommending the following:

1. That Resolution 15-72, entitled "APPROVING THE WATER SOURCE DEVELOPMENT AGREEMENT FOR WAILUKU WELL 2, TANK AND TRANSMISSION PIPELINE IN WAILUKU, MAUI, HAWAII", be ADOPTED; and
2. That County Communication 15-77, from the Director of Water Supply, be FILED.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. What a surprise.

I MOVE TO ADOPT RECOMMENDATIONS IN COMMITTEE
REPORT 15-69.

COUNCILMEMBER HOKAMA:

SECOND.

CHAIR WHITE: We have a motion from Ms. Cochran and a second from Mr. Hokama.

Ms. Cochran.

COUNCILMEMBER COCHRAN: Thank you, Chair. And, Committee met again June 15, 2015, and this is to consider proposed resolution authorizing a water source development agreement between the County of Maui and RCFC Kehalani, LLC. The agreement grants certain source and transmission credits to RCFC Kehalani in exchange for the depart, development of a new water well and appurtenances to be constructed at the sole cost of the developer and dedicated to the County.

RCFC Kehalani is proposing to enter into the water source development agreement as means to secure County water service for housing units being constructed within the Wailuku-Kahului Project District 3.

The Director of Water Supply informed your Committee the dedication of the new water well and appurtenances will expedite the replacement of Shaft 33 and help avoid costly repairs to the aging facility.

Your Committee recommend adoption of this proposed resolution and filing of county communication. And, I respectfully ask for Council's support of the recommendations. Thank you, Chair.

CHAIR WHITE: Thank you. Any further discussion, Members?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, I speak in support of the motion. I have some reservations though. I think Chair Cochran did a great job with this issue. We've heard comment about this this morning during testimony.

I just would say, my disagreement with the Director of Water Supply, whether or not Council can restrict water or not. I know that's not his preference, but he's not a policymaker; we are.

Second, he say it's more appropriate and pose as conditions of zoning. What if the land doesn't go through zoning? We give up on affordability within that subdivision or that proposed neighborhood? I, you know, there's got to be better ways, Chairman. We go in this vicious cycle of zoning, drilling wells, in the end is we still don't have enough affordables. We need to be a little bit maybe more bold, if that's the right word, Chairman.

But, I think we are able to, through the Charter, to maybe, we might need to do some experimental housing projects, because I think we have enough smart people out, within the nine of us to come up with some new ideas and proposals. There's a lot of

great community organizations that can come up with some new pilot approaches to old, old issues and maybe we can make some impact.

Cause I would like to be able to say, when it's our turn to be, you know, cause we've heard it from Ms. Baisa and Mr. Victorino, they've sat here for a while. They want things done. I mean, we all want things done. And, to be able to spend time on the Council, represent our communities and see things not getting done, it's frustrating for all of us. Our people deserve better, the Council deserves better, and I think we need to get the Departments knowing that we willing to try something different to make an impact. Thank you.

CHAIR WHITE: Thank you, Mr. Hokama.

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, having not been on that Committee, I'm not on that Committee, a voting member on that Committee and I wasn't there for that discussion. I know some issues were brought up by testimony on this, and I'm just curious if the, what the responses were to those issues in the Committee work, because I don't see it in the committee report. So, I'm assuming those concerns were brought up at Committee time. Thank you.

CHAIR WHITE: Any further discussions, Members?

Ms. Baisa.

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And, I want to thank Member Cochran for taking care of this. It was important that it get done. And, yes, there was a lot of discussion about many things. I want to assure that my Members, that I am trying my very, very best to move some things in the Water Committee, as Member Victorino tried.

And, it's a really tough Committee to, to get things done because it's so emotional. But, you will be seeing some innovative bills coming out of that Committee and I hope that I can get your support so we can do some things. Thank you.

CHAIR WHITE: Thank you, Ms. Baisa.

Any further comments, Members?

COUNCILMEMBER COCHRAN: And, Chair.

CHAIR WHITE: Yes, Ms. Cochran.

COUNCILMEMBER COCHRAN: Yea, thank you. Thank you, Chair. And, yea, a lot of the issues brought up today in testimony were discussed and addressed. I'm not going to say a hundred percent, but a lot. And, you know, the Shaft 33 is really in a condition that's, if that just caved in, we'd be all out of luck. And, this is just one part to that solution to making sure that we have consistent water supply for existing users, not you know, not even the new people coming online.

So, this is just one of those precautionary, also, things that we need to get through, to be supportive of, to make sure that that moves forward, and happens for all of us. So, thank you, Chair.

CHAIR WHITE: Thank you.

COUNCILMEMBER VICTORINO: Chair.

CHAIR WHITE: Yes, Mr. Victorino.

COUNCILMEMBER VICTORINO: I'll, I'll close with, with this I, with the statement that eight years ago when we started on this track, part of the preservation of the aquifer was to spread out the wells. And, that was one of the main reason all of these agreements originally were, were, yea, put the straws all over instead of just in one area.

And, yes, Ms. Cochran is correct. As you well know, for years, I've been pushing for Shaft 33 to be shut down because it's a disaster waiting to happen. And, that is nearly half the water supply draw, is from that well. So, all of this is running in concurrency.

I understand what the testifiers are bringing forward, but I know a lot of this was discussed; not only in that, in the Infrastructure and Environmental Management Committee, but also in Water for a number of years. So, this is something that needs to be done, and, Ms., Ms. Baisa did hit the nail on the head; for years we've tried various ways of getting water and changing some of the procedures.

We are in the process of making some changes now. Some of the innovations is really going back to what we use to do. It's not changes, it's really going back to what we should have been doing and we were doing, but for some reason or another, it changed. So, you can look forward to some very important changes in the, in water policies and I thank Ms. Baisa for continuing the track that it's been long and arduous. But, I'm proud to say that right now we can and shall really complete this

challenge when it comes to water. So, when she and I walks away, and others walk away, we can say the legacy was water and the completion of what was needed to be done. Thank you, Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION 15-72.

COMMITTEE REPORT

NO. 15-70 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending that Resolution 15-73, entitled "APPOINTMENT OF A MEMBER TO THE MAUI COUNTY CULTURAL RESOURCES COMMISSION", be ADOPTED.

Approving the appointment of Timothy Bailey (replacing Gaylord Kubota) to the Maui County Cultural Resources Commission, for a term expiring March 31, 2017.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS IN
COMMITTEE REPORT 15-70.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Chair. At our meeting of June 16, 2015, by a vote of 9-0, your Policy and Intergovernmental Affairs Committee recommended the approval of the nomination of Timothy Bailey to the Maui County Cultural Resource Commission for a term expiring March 31, 2017.

As you heard from one of the testifiers, Mr. Bailey will bring a lot of expertise and aloha to this Committee. His knowledge and experience will be greatly appreciated. So, I respectfully request my Members for their support on this recommendation, this committee report. Thank you.

CHAIR WHITE: Members, any further discussion on this item?

COUNCILMEMBER COCHRAN: Chair.

CHAIR WHITE: Seeing, oh yes.

COUNCILMEMBER COCHRAN: Chair. Chair, sorry.

CHAIR WHITE: Ms. Cochran.

COUNCILMEMBER COCHRAN: Chair, and yea, I'm very, very honored and excited to see the, this nominee here put forth for the Cultural Resource Committee. And, as in the, the comments here, he is fluent in the Hawaiian language and knowledge of Hawaiian history and traditions, and what have you.

So, I have worked first hand with Mr. Bailey and he is just very awesome. I know he's just filling in a vacancy due to a resignation, but hopefully he can continue on a full, you know, a full commitment to, and another maybe full term, basically, cause I think he's going to bring a wealth of knowledge. And, wonderful addition to our Cultural Resource Commission. So, thanks for the nomination and in, in much, very much support.

CHAIR WHITE: Thank you, Ms. Cochran.

Any further comments, Members? Seeing none, all those in favor please signify by saying "aye"

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

And, Mr. Clerk, after we deal with this next item, we'll take our morning break. So, please proceed with Committee Report 15-71.

COUNTY CLERK: Mr. Chair, for the record, that was RESOLUTION 15-73.

COMMITTEE REPORT

NO. 15-71 - POLICY AND INTERGOVERNMENTAL AFFAIRS COMMITTEE:

Recommending the following:

1. That Bill 49 (2015), entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE MAYOR OF THE COUNTY OF MAUI TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE HAWAI'I EMPLOYER-UNION HEALTH BENEFITS TRUST FUND, STATE OF HAWAII", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication 14-163, from the Director of Finance, be FILED.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

I MOVE TO ADOPT THE RECOMMENDATIONS OF
COMMITTEE REPORT 15-71.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Victorino and a second from Mr. Couch.

Mr. Victorino.

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair. At, at its June 16, 2015 meeting, by a vote of 8-0, your Policy and Intergovernment Affairs Committee recommended the following. First reading to the bill authorizing the Mayor to enter into an intergovernment agreement with the Hawaii Employer's Union Health Benefit Trust Fund (EUTF), for a confidentiality agreement to continue to receive monthly reports contain, containing information, EUTF review, views as protected by the Health Insurance Portability and Accountability Act (HIPAA); and the filing of the communication.

A representative from the Department of Finance stated that the EUTF stopped transmitting monthly reports in 2012 and will not resume transmitting these reports until the County enters into an intergovernment confidentiality agreement to satisfy the requirements of HIPAA and the Health Information Technology for Economic and Clinical Health Act (HITEC). There's a lot of, what do you call, acronyms over here.

The representative also stated that the monthly EUTF reports are necessary to verify the accountability, no excuse me, for the accuracy of the County's monthly benefit payments. I respectfully request the Council's consideration for this motion and the passage of this bill. Thank you, Mr. Chair.

CHAIR WHITE: Thank you, Mr. Victorino.

Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", and zero "noes".

Mr. Clerk.

COUNTY CLERK: Mr. Chair, for the record, that was BILL NO. 49 (2015).

CHAIR WHITE: Thank you. And, we will take our morning recess. Please be back at ten minutes to eleven. We're in recess.

(THE MEETING WAS RECESSED BY THE CHAIR AT 10:37 A.M., AND WAS RECONVENED AT 10:52 A.M., WITH ALL MEMBERS PRESENT.)

CHAIR WHITE: This meeting of the Council of the County of Maui will come back to order.

And, Mr. Clerk, let's proceed with County Communications.

COUNTY CLERK: Mr. Chair, proceeding with county communications.

COUNTY COMMUNICATIONS

NO. 15-188 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 17, 2015)

Reporting on transfers from the General Fund and Department of Water Supply Revenue Fund to the Bond Fund as of May 31, 2015.

CHAIR WHITE: Thank you.

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, with no objections from the Members, I would ask that this item be referred to Committee. And, I would respectfully request all future communications of similarity, also, just be automatically referred to Committee.

CHAIR WHITE: Okay, thank you. Without objections--

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: No objections.

COUNCILMEMBER HOKAMA: Thank you.

CHAIR WHITE: Thank you, so ordered.

Mr. Clerk.

The recommended action is that County Communication No. 15-188 be referred to the Budget and Finance Committee.

NO. 15-189 - DON S. GUZMAN, CHAIR, COMMITTEE OF THE WHOLE,
(dated June 29, 2015)

Transmitting the following proposed resolutions entitled:

1. "AUTHORIZING AN INCREASE IN FUNDING RELATED TO THE EMPLOYMENT OF SPECIAL COUNSEL HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK"; and
2. "AUTHORIZING THE SETTLEMENT IN HAWAII WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK".

CHAIR WHITE: Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO DISCHARGE THE COMMITTEE OF THE WHOLE
FROM THE PROPOSED RESOLUTIONS ATTACHED TO
COUNTY COMMUNICATION 15-189.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion to discharge from Mr. Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. This discharge is necessary to allow the Council to consider the proposed resolutions on a timely basis. The trial in this matter is scheduled for August, and so there is a time of the essence for these two resolutions.

CHAIR WHITE: Thank you.

Is there any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO WAIVE THE REQUIREMENTS OF COMMITTEE
REFERRAL AND REPORT FOR THE PROPOSED
RESOLUTIONS ATTACHED TO COUNTY COMMUNICATION
15-189, PURSUANT TO RULE 7(E) OF THE RULES OF THE
COUNCIL.

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion to waive by Mr. Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Again, Chair, the passage of this motion is, requires a two-thirds vote of the entire membership of the Council, and when, will enable the Council to consider these timely sensitive resolutions today.

CHAIR WHITE: Thank you.

Members, any further discussion on the item? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes", zero "noes".

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE FIRST PROPOSED RESOLUTION
ENTITLED, "AUTHORIZING AN INCREASE IN THE FUND
RELATING TO THE EMPLOYMENT OF SPECIAL COUNSEL
HUNTON & WILLIAMS LLP, IN HAWAII WILDLIFE FUND,
ET AL. V. COUNTY OF MAUI, CIVIL NO. 12-00198 SOM BMK".

COUNCILMEMBER VICTORINO:

SECOND, MR. CHAIR.

CHAIR WHITE: We have a motion from Mr. Guzman with a second from Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. Both proposed resolutions transmitted by County Communication 15-189 relate to the case of the Hawaii, Hawaii Wildlife Fund, et al. v. County of Maui.

The first amended complaint in the case alleges violations under the Clean Water Act caused by the discharge of wastewater into the ocean from injection wells at Lahaina Wastewater Reclamation Facility.

The first proposed resolution would authorize 500,000 in addition, in additional compensation for Hunton & Williams LLP, as special counsel in the case, for a total compensation not to exceed 2.25 million.

Your Committee met on June 30, 2015, to discuss the need to authorize additional compensation for special counsel in this case, particularly in light of the looming August trial date. Chair, also, your Committee, I would like to recommend the adoption of this proposed resolution.

CHAIR WHITE: Thank you.

Members, any further discussion on this item?

Mr. Hokama.

COUNCILMEMBER HOKAMA: Chairman, thank you. I am aware that we are in active litigations so my comments will be very tight and short, Chairman. I speak in support of the motion. First, I want to commend Chairman Guzman for a yeoman's job dealing with a very difficult subject. And, for many, a costly item for the County.

I would just say, in support of the motion, Chairman, that the County of Maui has always sought guidance and consultation from appropriate regulatory agencies prior to making decisions. And, I would just state that for the record, in support of the motion. And, I ask my fellow Members to support the motion on the floor. Thank you.

CHAIR WHITE: Any other discussion, Members?

I think all of us would like to say a whole lot more than we're able. The Chair, in particular, has some very, very distinct feelings about this issue. And, I appreciate the guidance from Vice-Chair Guzman and the, the guidance from our Corporation Counsel. I wish there was more that we could say because I think the public would be a little more understanding of our need to proceed as we have outlined. And, I'll leave it at that.

Any further discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

We're back to Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair.

I MOVE TO ADOPT THE SECOND PROPOSED RESOLUTION
ENTITLED, "AUTHORIZING THE SETTLEMENT IN HAWAII
WILDLIFE FUND, ET AL. V. COUNTY OF MAUI, CIVIL
NO. 12-00198 SOM BMK", AND TO FILE COUNTY
COMMUNICATION 15-189.

COUNCILMEMBER VICTORINO:

MR. CHAIR, I SECOND THE MOTION.

CHAIR WHITE: We have a motion from Mr. Guzman and a second by Mr. Victorino.

Mr. Guzman.

VICE-CHAIR GUZMAN: Thank you, Chair. This proposed resolution would authorize settlement of the case under the terms proposed in executive meeting held by the Committee of the Whole yesterday, July 6, 2015. As Chair of your Committee of the Whole, I'm recommending the adoption of the proposed resolution and the filing of the communication. Thank you, Chair.

CHAIR WHITE: Thank you.

Members, any further discussion?

COUNCILMEMBER VICTORINO: Mr. Chair.

CHAIR WHITE: Mr. Victorino.

COUNCILMEMBER VICTORINO: Very quickly. I too, and will keep it very short and to the point, we are doing this for the best interest of the people of Maui County. Thank you.

CHAIR WHITE: Any other discussion, Members? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

Mr. Clerk.

COUNTY CLERK: For the record, RESOLUTION NOS. 15-74 and 15-75, respectively.

Mr. Chair, the following county communications are recommended to the following Committees as noted:

NO. 15-190 - LANCE T. TAGUCHI, COUNTY AUDITOR,
(dated June 12, 2015)

Transmitting the plan of audits proposed to be conducted during Fiscal Year 2016.

The recommended action is that County Communication No. 15-190 be referred to the Budget and Finance Committee.

NO. 15-191 - DANILO F. AGSALOG, DIRECTOR OF FINANCE,
(dated June 23, 2015)

Transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE AND SPECIFYING CERTAIN TERMS OF NOT TO EXCEED SEVEN MILLION NINE HUNDRED TWENTY-NINE THOUSAND FOUR HUNDRED EIGHTY-FIVE DOLLARS (\$7,929,485) AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE COUNTY OF MAUI FOR THE PURPOSE OF REFUNDING ALL OR A PART OF CERTAIN OUTSTANDING USDA RURAL DEVELOPMENT LOAN OF THE COUNTY;

AUTHORIZING THE DIRECTOR OF FINANCE TO DETERMINE CERTAIN TERMS OF SUCH BONDS; PROVIDING FOR THE RETIREMENT OF THE USDA RURAL DEVELOPMENT LOAN TO BE REFUNDED; AND PROVIDING FOR OTHER ACTIONS RELATED TO THE ISSUANCE, SALE AND DELIVERY OF SAID BONDS".

The recommended action is that County Communication No. 15-191 be referred to the Budget and Finance Committee.

NO. 15-192 - MICHAEL P. VICTORINO, COUNCILMEMBER,
(dated July 29, 2015)

Relating to the public use of County gymnasiums for recreational purposes.

The recommended action is that County Communication No. 15-192 be referred to the Economic Development, Energy, Agriculture, and Recreation Committee.

NO. 15-193 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated June 9, 2015)

Transmitting a proposed resolution entitled "ACCEPTING GRANT OF EASEMENT FOR SEWERLINE PURPOSES FOR THE WAILUKU-KAHULUI FORCE MAIN REPLACEMENT PROJECT, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-193 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-194 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated June 9, 2015)

Transmitting a proposed resolution entitled "ACCEPTING A GRANT OF EASEMENT FOR SEWERLINE PURPOSES AND SEWER SYSTEM IMPROVEMENTS FOR THE MAUI LANI PHASE 6 SUBDIVISION, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-194 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-195 - KYLE K. GINOZA, DIRECTOR OF ENVIRONMENTAL
MANAGEMENT, (dated June 12, 2015)

Transmitting a proposed resolution entitled "ACCEPTING DEDICATION OF SEWERLINE EASEMENT AND SEWER SYSTEM IMPROVEMENTS, PURSUANT TO SECTION 3.44.015, MAUI COUNTY CODE".

The recommended action is that County Communication No. 15-195 be referred to the Infrastructure and Environmental Management Committee.

NO. 15-196 - ROBERT CARROLL, COUNCILMEMBER,
(dated June 23, 2015)

Transmitting a proposed resolution entitled "REFERRING TO THE LANAI, MAUI, AND MOLOKAI PLANNING COMMISSIONS DRAFT BILLS AMENDING CHAPTERS 19.08 AND 19.35, MAUI COUNTY CODE, RELATING TO RESIDENTIAL DISTRICTS AND ACCESSORY DWELLINGS, RESPECTIVELY".

The recommended action is that County Communication No. 15-196 be referred to the Planning Committee.

NO. 15-197 - MIKE WHITE, COUNCIL CHAIR,
(dated June 10, 2015)

Transmitting a proposed resolution entitled "PROPOSING AN AMENDMENT TO THE REVISED CHARTER OF THE COUNTY OF MAUI (1983), AS AMENDED, RELATING TO ARTICLE 11, INITIATIVE, REGARDING THE TIME FRAME TO REVIEW SUPPLEMENTAL PETITION SIGNATURES".

The recommended action is that County Communication No. 15-197 be referred to the Policy and Intergovernmental Affairs Committee.

COUNTY CLERK: To your Planning Committee, excuse me, Mr. Chair, that would be it for county communications at this time.

CHAIR WHITE: Thank you, Mr. Clerk.

Members, are there any objections as to the referrals as read by the Clerk?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you. So, we'll refer all those as read.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, moving to general communications.

GENERAL COMMUNICATIONS

NO. 15-6 - GRANT CHUN, VICE PRESIDENT, MAUI, A&B PROPERTIES, INC.,
(dated June 22, 2015)

Submitting the 2015 Annual Compliance Report in accordance with Condition 3 of Ordinance No. 4146, Kihei Residential Project change in zoning.

The recommended action is that General Communication No. 15-6 be referred to the Planning Committee.

CHAIR WHITE: Thank you, Mr. Clerk.

Without objections, Members, we'll refer that to the Planning Committee.

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Thank you.

Mr. Clerk.

COUNTY CLERK: Mr. Chair, proceeding with ordinances for second and final reading.

ORDINANCES

ORDINANCE NO. _____
BILL NO. 45 (2015)

A BILL FOR AN ORDINANCE AMENDING ORDINANCE NO.
2641 (1998), THE KIHEI-MAKENA COMMUNITY PLAN AND
LAND USE MAP, FROM BUSINESS/COMMERCIAL TO HOTEL
FOR TAX MAP KEY NUMBER (2) 3-9-002:030 (POR.), AND TO
ALLOW A HEIGHT LIMIT OF SIXTY FEET ON A PORTION OF TAX
MAP KEY NUMBER (2) 3-9-002:076, KIHEI, MAUI, HAWAII,
FOR THE PROPOSED DOWNTOWN KIHEI PROJECT

CHAIR WHITE: Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. Since Bills 45 and 46 (2015), Draft 1,
relate to the same matter, may I request that you ask the Clerk to call the next bill at
this time?

CHAIR WHITE: Thank you.

Members, are there any objections to having the next bill called?

MEMBERS VOICED NO OBJECTION.

CHAIR WHITE: Mr. Clerk, please proceed.

ORDINANCE NO. _____
BILL NO. 46 (2015)
Draft 1

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
R-3 RESIDENTIAL TO H-M HOTEL DISTRICT, B-2 COMMUNITY BUSINESS
DISTRICT, AND OS-1 OPEN SPACE DISTRICT, FOR
TAX MAP KEY NUMBERS (2) 3-9-002:030, (2) 3-9-002:076,
(2) 3-9-002:080, AND (2) 3-9-002:158, KIHEI, MAUI, HAWAII,
FOR THE PROPOSED DOWNTOWN KIHEI PROJECT

CHAIR WHITE: Thank you, Mr. Clerk.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair.

I MOVE TO PASS BILLS 45 AND 46 (2015), DRAFT 1, ON
SECOND AND FINAL READING.

COUNCILMEMBER COUCH:

MR. CHAIR, I SECOND.

CHAIR WHITE: We have a motion from Mr. Carroll and a second from Mr. Couch.

Mr. Carroll.

COUNCILMEMBER CARROLL: Thank you, Chair. These bills would grant a request from the Krausz Company Inc. for a Community Plan Amendment and Change of Zoning to facilitate development of the proposed Downtown Kihei Project, and to amend the Planning Standards in the Kihei-Makena Community Plan to allow a height limit of 60 feet on 29,500-square-foot portion of the subject property to accommodate a proposed movie theater.

The project's proposed development plan includes business and medical offices, shops, a movie theater and restaurants, and a 150-room, four-story hotel.

To minimize the impact of traffic, your Committee recommended conditions to be incorporated in the Change of Zoning bill, consistent with recommendations provided by the State Director of Transportation. The conditions require the developer to make improvements to the intersections of Piilani Highway and Piikea Street, Avenue, excuse me, Avenue, and to provide traffic signals timing optimization of intersection and of the intersection of Piilani Highway and Lipoa Avenue. I ask for the Members support on these bills.

CHAIR WHITE: Thank you, Mr. Carroll.

Further discussion, Members?

Mr. Couch.

COUNCILMEMBER COUCH: Thank you, Mr. Chair. And, I thank Mr. Carroll and the Members for passing this on first reading. Hope we get it passed on the second and final reading. It's got a pretty large group of support from the Kihei community. And, it's something that might actually make a Downtown Kihei finally. So, people are looking forward to it, and we'll, let's, hopefully this will pass. Thank you.

CHAIR WHITE: Members, any further discussion? Seeing none, all those in favor please signify by saying "aye".

AYES: COUNCILMEMBERS BAISA, CARROLL,
COCHRAN, COUCH, CRIVELLO, HOKAMA,
VICTORINO, VICE-CHAIR GUZMAN, AND
CHAIR WHITE.

CHAIR WHITE: Those opposed say "no".

NOES: NONE.

CHAIR WHITE: Measure passes with nine "ayes" and zero "noes".

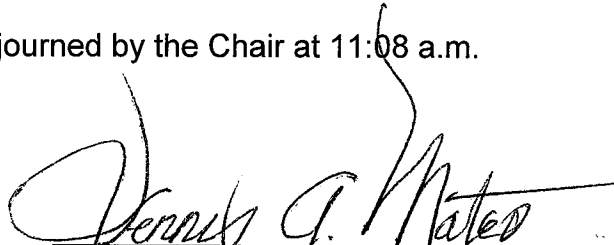
Mr. Clerk.

COUNTY CLERK: Mr. Chair, there is no further business before the Council.

CHAIR WHITE: Thank you very much. I want to thank everyone who's helped make this meeting come together, and thank you all for your attendance this morning. And, with that, we are adjourned.

ADJOURNMENT

The regular meeting of July 7, 2015 was adjourned by the Chair at 11:08 a.m.


DENNIS A. MATEO, COUNTY CLERK
COUNTY OF MAUI, STATE OF HAWAII

Testimony of Lucienne de Naie
PO Box 610
Haiku, HI 96708

July 7, 2015

To: Maui County Council

Re: CC agenda item 15-69 Adoption of resolution approving water source development agreement granting certain source and transmission credits to RCFC Kehalani, LLC, in exchange for development of a new water well and appurtenances constructed at the sole cost of the RCFC Kehalani, LLC, and dedicated to the County.

This contract appears to be very thorough and give the County a new water source at "no cost". But, Is that actually what it offers, and does it do enough to safeguard the interests of the public or public trust resources?

First, let's consider the original assumption: "The Department has insufficient source capacity available in the central-south Maui area to provide water to the Kehalani Parcels and additional water source must be developed."

Department has 1.5 mgd allotment from Iao stream. which can be utilized once the Iao treatment plant is expanded. Which water source would be available sooner?

Is this about the DWS getting a "free well"? Will the well actually be "free" since the DWS is willing to reimburse "source costs" and "transmission costs" in lieu of water meter fees.

The contract summary sounds like a great deal, but there are lots of "ifs" involved:

The contract will give the County DWS its fourth replacement well for Shaft 33 I IF:

1. If well site produces good water
2. If the well produces enough water
3. If CWRM agrees the Kehalani "allocation" from Iao Aquifer is still valid and agrees to transfer allocation to County
4. If the well can be built in 3 years
5. If the well can get all approvals from DOH and others
6. If the DWS inspects and approves of the work

There there are the "WHAT IFS"

1. If the well takes too long to build DWS will issue up to 175,000 gpd to Kehalani project- do these meters go to homes working families in Maui can afford? These meter requests appear to be "jumping to the front of the line."

2. The proposed Kehalani well site is higher elevation than the two new county wells: what if its pumping would affect their capacities? The contract does not discuss this scenario.

3. Water source credits can be "assigned" to others. How much will be changed by Kehalani? Will they go to highest bidders like Wailea-Makena Projects while affordable homes wait in the back of the line? This is what happened with the Dowling well source credits that were assigned Remember-this is not a private well once it is assigned to the County. County

ratepayers will pay all operational and maintenance costs for its lifetime, yet there will be a privileged class entitled to around one third of the water it produces.

4. What if the County does not keep accurate track of the source credits and transmission credits granted, especially if these credits are transferred to other projects, as the contract allows? This happened during the Central Maui Joint Venture agreement and resulted in lawsuits and other lengthy procedures.

5. What if the best policy is to stick to the current level of use for Iao aquifer: 80% of sustainable yield? Is it a good idea to be in a rush to "use up" Kehalani's "allocation" and pump more water from the Iao aquifer, even though it appears to be steadily declining?

6. What if the testing done to determine the available capacity of the well is structured to produce an "acceptable result" that will not prove to be sustainable? Is DWS asking that Kehalani pump test their pilot hole location well for 10 days, or just three?

I would ask that the Council ask the contract be amended to allow the source credits to be used only by Kehalani in their project with any remaining capacity going to DWS for a more fair distribution.

Mahalo

Lucienne de Naie